

### Overview Comparison of Primary ACA Repeal and Replace Bills, 9/20/17

	Tax treatment of Employer plans	HSAs	Wellness Programs	ACA Taxes and Fees <i>(eliminated unless otherwise noted)</i>	Mandates/Reform Alternatives
<b>American Health Care Act</b> <i>(2017 House Bill)</i>  <i>May 4- Passed in the House by a vote of 217-213</i>	Doesn't cap employer-sponsored coverage tax benefit	<ul style="list-style-type: none"> <li>Includes OTC drugs as qualified medical expenses (QMEs)</li> <li>Raises contribution limit to out-of-pocket cost for high-deductible plans</li> </ul>	Maintains ACA structure	<ul style="list-style-type: none"> <li>Cadillac tax</li> <li>Annual provider fee</li> <li>Prescription drug tax</li> <li>Investment income tax</li> <li>Medical device tax</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates employer &amp; individual mandates</li> <li>Replaces individual subsidies with tax credits tiered by age</li> </ul>
<b>Better Care Reconciliation Act</b> <i>(July 2017 Senate bill)</i>  <i>July 19- Failed in the Senate, 49-51</i>	Doesn't cap employer-sponsored coverage tax benefit	<ul style="list-style-type: none"> <li>Includes OTC drugs as QMEs</li> <li>Raises contribution limit to out-of-pocket cost for high-deductible plans</li> </ul>	Maintains ACA structure	<ul style="list-style-type: none"> <li>Cadillac tax</li> <li>Small business tax credit</li> <li>Annual provider fee</li> <li>Prescription drug tax (2021)</li> <li>Medical device tax (2018)</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates employer &amp; individual mandates</li> <li>Reforms ACA subsidy structure to be tiered by income &amp; age; can be used for catastrophic health insurance in 2020</li> </ul>
<b>Graham- Cassidy Bill</b> <i>(September 2017 Senate bill)</i>	Doesn't cap employer-sponsored coverage tax benefit	<ul style="list-style-type: none"> <li>Includes OTC drugs as QMEs</li> <li>Raises contribution limit to out-of-pocket cost for high-deductible plans</li> <li>Direct premium arrangements do not constitute health plans</li> </ul>	Maintains ACA Structure	<ul style="list-style-type: none"> <li>Doesn't mention Cadillac tax</li> <li>Medical device tax</li> <li>Small business tax credit</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates employer &amp; individual mandates</li> <li>Allows anyone to purchase catastrophic plan (2019)</li> <li>Repeals ACA subsidies; federal funds shifted to state block grants (2019)</li> </ul>
<b>Restoring Americans' Health Care Freedom Act</b> <i>(2015 Obamacare Repeal bill)</i>  <i>January 2016- Vetoed by President Obama</i> <i>July 15, 2017- Failed in the Senate, 45-55</i>	<ul style="list-style-type: none"> <li>Caps employer-sponsored tax benefit (\$8K indiv./\$20K other)</li> <li>Employees can receive tax credit</li> </ul>	Expands contribution limit & allows HSAs to pay for some primary care fees	Raises benefit/penalty cap to 50%	Repeals all ACA taxes	<ul style="list-style-type: none"> <li>Eliminates employer &amp; individual mandates</li> <li>Provides for universal, refundable, age-adjusted tax credit for coverage purchased in individual market (and for HSA contributions)</li> </ul>